

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

In re: : Chapter 13

Jose G. Rico-Mutiz and :
Amalia B. Becerra-Martinez, : Bankruptcy No. 17-10047-mdc

Debtors. :

ORDER

AND NOW, pursuant to the Application for Compensation and Reimbursement of Expenses (the “Application”)¹ filed by Erik B. Jensen (the “Applicant”), counsel to the Debtors, the Applicant requests the allowance of compensation in the amount of \$3,500.00 and the reimbursement of expenses in the amount \$0.00.

AND, the Applicant was previously paid \$915.00 by the Debtors (the “Pre-Paid Amount”).

AND, the Applicant filed a certification that proper service has been made on all interested parties.

AND, the Applicant filed a certification of no response.

AND, the Court of Appeals has held that the bankruptcy court “has a duty to review fee applications, notwithstanding the absence of objections by the United States Trustee . . . , creditors, or any other interested party, a duty which . . . derives from the court’s inherent obligation to monitor the debtor’s estate and to serve the public interest.” *In re Busy Beaver Bldg. Centers, Inc.*, 19 F.3d 833, 841 (3d Cir. 1994) (emphasis in original).

AND, this case involves the representation of a below-median debtor. *See generally* 11 U.S.C. §1325(b) (establishing different standards for measuring plan confirmability depending upon whether the debtor is above median or below median); Official Form B-122C (requiring more financial disclosure from above-median debtors).

¹ Bankr. Docket No. 27.

AND, pursuant to L.B.R. 2016-3(a)(1), the court is authorized to allow counsel fees in chapter 13 cases involving below-median debtors of \$4,000.00 based on a “short form application,” that does not require an itemization of time.

AND, the Applicant has elected to file the Application pursuant to L.B.R. 2016-3.

AND, this Court entered an Order dated October 25, 2018 (the “Confirmation Order”)² confirming the Debtors’ Third Amended Chapter 13 Plan (the “Plan”).³

AND, as provided by the Plan, the total payments allowed to the Applicant were to be \$3,000.00. Plan, ¶3.

AND, a confirmation order precludes the relitigation of any issues that were determined by the confirmation order. *In re Szostek*, 886 F.2d 1405, 1408-09 (3d Cir. 1989); *In re McDuffie*, Bky. No. 03-65333, 2005 WL 3108234, *1 (Bankr. D. Md. Feb. 22, 2005) (“since no amendment to the plan was filed to increase the specific amount to be paid to counsel, the court cannot order payment through the plan as an administrative expense.”); *In re Lasica*, 294 B.R. 718, 722 (Bankr. N.D. Ill. 2003) (denying fee request because applicant was bound by terms of previously confirmed Chapter 13 plan); *In re Young*, 285 B.R. 168, 174-75 (Bankr. D. Md. 2002) (“the confirmation of the plan, in which a specific amount of disbursement to counsel for the debtor as attorney’s fees was required, acted as a final adjudication of the matters set forth in the plan.”).

It is hereby **ORDERED** that:

1. The Application is **GRANTED IN PART** and **DENIED IN PART**.
2. Consistent with the Confirmation Order, compensation is allowed in favor of the Applicant in the total amount of \$3,000.00 and reimbursement of expenses is allowed in favor of the Applicant in the amount of \$0.00 (the “Allowed Compensation and Expenses”). *See* L.B.R. 2016-1(h) (governing procedure for disposition of fee applications without a hearing).

² Bankr. Docket No. 57.

³ Bankr. Docket No. 53.

3. The Trustee is authorized to distribute to the Applicant the Allowed Compensation and Expenses less the Pre-Paid Amount as an administrative expense pursuant to 11 U.S.C. §§330, 331, 503(b).

Dated: December 5, 2018



THE HONORABLE MAGDELINE D. COLEMAN
UNITED STATES BANKRUPTCY JUDGE

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